IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1968

No. 795

LEWIS M. ALEXANDER and RUTH M. ALEXANDER,
Petitioners,

vs.

MORRISON-KNUDSEN COMPANY, INC., a Delaware corporation; COLORADO-UTE ELECTRIC ASSOCIATION, INC., a Colorado corporation; and YAMPA VALLEY ELECTRIC ASSOCIATION, INC., a Colorado corporation,
Respondents.

BRIEF FOR RESPONDENTS MORRISON-KNUDSEN COMPANY, INC. AND COLORADO-UTE ELECTRIC ASSOCIATION, INC., IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI TO SUPREME COURT OF THE STATE OF COLORADO.

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1. There is no jurisdiction to entertain the petition.

Petitioners assert that jurisdiction exists under 28 U.S.C. 1257(3). The Supreme Court of Colorado had before it and determined only two issues:

(a) The application of Colo.R.Civ.P. 41(a)(1), and

(b) Colo.Rev.St. 1963, As Amended, 81-9-2 (Workmen's Compensation Act of Colorado).

The opinion of the Supreme Court of Colorado (Pet.App. A), in *Lewis M. Alexander and Ruth M. Alexander v. Morrison-Knudsen Company, Inc., et al.*, 444 P.2d 397 (Colo.1968), illustrates the petitioners' jurisdictional claim is unfounded. The opinion is silent on any federal right or question.

2. Nothing is presented warranting review.

The decision of the Supreme Court of Colorado determined these respondents, Morrison-Knudsen Company, Inc. and Colorado-Ute Electric Association, Inc., except as provided by the Workmen's Compensation Act of Colorado, were not subject to liability of any kind to the petitioners. (Pet.App. A, pages 10-14). Petitioners have not presented questions touching on this issue as determined by the Supreme Court of Colorado, nor have petitioners raised here federal questions with respect to this point.

For the reasons stated, the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

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